

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: ) Group Art Unit: 3733  
RITLAND )  
Serial No.: 10/776,094 ) Confirmation No.: 2357  
Filed: February 10, 2004 )  
Atty. File No.: 4510-1-DIV ) Examiner: PHILOGENE, PEDRO  
For: "POLYAXIAL CONNECTION )  
DEVICE AND METHOD" )  
                                ) SUPPLEMENTAL INFORMATION  
                                ) DISCLOSURE STATEMENT  
                                ) Electronically Submitted  
                                )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-SB08 are being called to the attention of the Examiner.

- Copies of the cited non-patent and/or foreign references are enclosed herewith.
- Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
- Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with 37 C.F.R. § 1.98(a).
- Copies of the cited references are not enclosed, in accordance with 37 C.F.R. § 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.
- To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.
- Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. 11/425,987 filed 06-22-06

Other: \_\_\_\_\_

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

#### FEES

<input type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li><li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</li><li><input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li><li><input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.</li></ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"><li>(1) a final action under 37 C.F.R. 1.113 or</li><li>(2) a notice of allowance under 37 C.F.R. 1.311, or</li><li>(3) an action that otherwise closes prosecution in the application.</li></ul> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. OR</li><li><input checked="" type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.</li></ul>
<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) AND</li><li><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</li></ul>

**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

The undersigned certifies that:

- Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).
- A copy of the communication from the foreign patent office is enclosed.

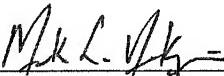
OR

- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: \_\_\_\_\_

  
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Date: January 11, 2007

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet

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<i>Complete if Known</i>	
Application Number	10/776,094
Filing Date	02/10/04
First Named Inventor	Ritland
Art Unit	3733
Examiner Name	PHILOGENE, PEDRO
Attorney Docket Number	4510-I-DIV

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-kind Code <sup>2 (if known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	2,191	07/23/1841	Pitney	
	2	605,652	06/14/1898	Pitt	
	3	1,090,746	3/17/1914	Nourse	
	4	1,097,978	5/26/1914	Johnson	
	5	3,467,079	9/16/1969	James	
	6	3,893,454	7/18/1975	Hagelin	
	7	4,889,112	12/26/1989	Schachner et al.	
	8	4,995,875	2/26/1991	Coes	
	9	5,018,507	5/28/1991	Montaldi	
	10	5,026,373	6/25/1991	Ray et al.	
	11	5,030,223	07/09/1991	Anderson et al.	
	12	5,217,007	6/8/1993	Ciaglia	
	13	5,306,275	4/26/1994	Bryan, Donald W.	
	14	5,330,474	7/19/1994	Lin, Chih-I	
	15	5,499,983	3/19/1996	Hughes, Dean	
	16	5,501,684	3/26/1996	Schlapfer et al.	
	17	5,558,622	9/24/1996	Greenberg	
	18	5,569,300	10/29/1996	Redmon	
	19	5,584,833	12/17/1996	Fournet-Fayard et al.	
	20	5,683,392	11/4/1997	Richelsoph, et al.	
	21	5,716,355	2/10/1998	Jackson, et al.	
	22	5,735,850	4/7/1998	Baumgartner, et al.	
	23	5,772,582	6/30/1998	Huttner et al.	
	24	5,785,648	7/28/1998	Min	
	25	5,797,912	8/25/1998	Runciman, et al.	
	26	5,810,816	9/22/1998	Roussouly, et al.	
	27	5,810,817	9/22/1998	Roussouly, et al.	
	28	5,938,663	8/17/1999	Petreto, Eric	
	29	5,976,135	11/2/1999	Sherman, et al.	
	30	6,004,322	12/21/1999	Bernstein	
	31	6,027,533	2/22/2000	Olerud, Sven	
	32	6,146,383	11/14/2000	Studer, et al.	
	33	6,176,861	1/23/2001	Bernstein et al.	
	34	6,187,005	2/13/2001	Brace et al.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/776,094
Filing Date	02/10/04
First Named Inventor	Ritland
Art Unit	3733
Examiner Name	PHILOGENE, PEDRO
Attorney Docket Number	4510-1-DIV

35	6,231,575	5/15/2001	Krag, Martin H.	
36	6,248,104	6/19/2001	Chopin et al.	
37	6,273,914	8/14/2001	Papas	
38	6,302,842	10/16/2001	Auerbach et al.	
39	6,309,390	10/30/2001	Le Couedic, et al.	
40	6,309,391	10/30/2001	Crandall, et al.	
41	6,355,038	3/12/2002	Pisharodi	
42	6,361,541	3/26/2002	Barnhart	
43	6,425,901	7/30/2002	Zhu et al.	
44	6,443,953	9/3/2002	Perra, et al.	
45	6,461,359	10/8/2002	Tribus, et al.	
46	6,478,798	11/12/2002	Howland, Robert S.	
47	6,579,292	6/17/2003	Taylor, Harold Sparr	
48	6,585,738	7/1/2003	Mangione, et al.	
49	6,595,993	7/22/2003	Donno, et al.	
50	6,610,062	8/26/2003	Bailey, et al.	
51	6,626,904	9/30/2003	Jammet, et al.	
52	6,626,906	9/30/2003	Young	
53	6,648,887	11/18/2003	Ashman, Richard B.	
54	6,671,725	12/30/2003	Noel, Jr. et al.	
55	6,676,661	1/13/2004	Martin Benloch, et al.	
56	6,685,705	2/3/2004	Taylor, Harold Sparr	
57	6,743,257	6/1/2004	Castro	
58	6,749,613	6/15/2004	Conchy, et al.	
59	6,783,528	8/31/2004	Vincent-Prestigiacomo	
60	6,974,480	12/13/2005	Messerli, et al.	
61	2003/0109880	6/12/2003	Shirado, et al.	
62	2003/0139812	7/24/2003	Garcia, et al.	
63	2004-0138534	7/15/2004	Ritland	
64	2005/0027360	2/3/2005	Webb, et al.	
65	2005/0143737	6/30/2005	Paffard, et al.	
66	2005/0149191	7/7/2005	Cragg, et al.	
67	2005/0203517	9/15/2005	Jahng, et al.	
68	2005/0203519	9/15/2005	Harms, et al.	
69	2005/0209694	9/22/2005	Loeb	
70	2005-0149023	7/7/2005	Ritland	
71	2005-0228233	10/13/2005	Ritland	
72	2006/0009768	1/12/2006	Ritland	

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/776,094
Sheet	3	of	4	Filing Date	02/10/04
				First Named Inventor	Ritland
				Art Unit	3733
				Examiner Name	PHILOGENE, PEDRO
				Attorney Docket Number	4510-1-DIV

	73	2006/0041259	2/23/2006	Paul, et al.	
	74	2006/0064090	3/23/2006	Park	
	75	2006/0069390	3/30/2006	Frigg, et al.	
	76	10/165,991		Simonson	
	77	11/425,987		Ritland	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> ; Number <sup>4</sup> ; Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
	78	FR 2796828	2/2/2001	Jammet et al.		Believed to correspond to U.S. Patent No. 6,626,904 cited above
	79	WO 99/40866	8/19/1999	Elberg		

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. <sup>1</sup>	
	80	China Chemical Reporter, "Rapid Development of Polyether Ether Ketone", CNCIC Chemdata Inc., 2004, 2 pages.
	81	Green, "Body Building - Medical Materials for Systems and Scaffolding," Materials World, Journal of the Institute of Materials, Vol. 10, No. 2, 2001, 4 pages.
	82	Green, "Effects of Gamma Sterilisation on Implant Grade Polyetheretherketone," Invibio Inc., Lancashire, United Kingdom, undated, 1 page.
	83	Green, "In Vivo Biostability Study on Polyaryletheretherketone Biomaterial," Invibio Inc., Lancashire, United Kingdom, undated, 2 pages.
	84	Green, et al., "A Polyaryletherketone Biomaterial for Use in Medical Implant Applications," Lancashire, United Kingdom, 2001, 1 page.
	85	Green, et al., "Polyetheretherketone Polymer and Compounds for Surgical Applications," Lancashire, United Kingdom, undated, 9 pages.

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				First Named Inventor	Ritland
				Art Unit	3733
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86	Green, Stuart, "PEEK-Optima Polymer in the Implantable Medical Device Industry," Invibio Inc., Lancashire, United Kingdom, undated, 2 pages.
87	Invibio, Biomaterials Solutions, "High Performance PEEK-Optima Biocompatible Polymer Chosen for Dental Abutment Healing Caps," Invibio Inc., Lancashire, United Kingdom, undated, 1 page.
88	Invibio, Biomaterials Solutions, "High Performance PEEK-Optima Biocompatible Polymer Chosen for New Generation Heart Valve," Invibio Inc., Lancashire, United Kingdom, undated, 1 page.
89	Invibio, Biomaterials Solutions, "PEEK-Classix," Invibio Inc., Lancashire, United Kingdom, 2003, 2 pages.
90	Invibio, Biomaterials Solutions, "PEEK-Optima Polymer: Performance Purity Flexibility Endurance," Invibio Inc., Lancashire, United Kingdom, 2004, 3 pages.
91	Invibio, Biomaterials Solutions, "PEEK-Optima, Composite Hip," Invibio Inc., Lancashire, United Kingdom, undated, 2 pages.
92	Invibio, Biomaterials Solutions, "PEEK-Optima, Spiked Washers," Invibio Inc., Lancashire, United Kingdom, undated, 1 page.
93	Sofamor Danek Video Systems Brochure
94	Tangram Technology Ltd., "Polymer Data File: Polyether Ether Ketone-PEEK," Available at <a href="http://www.tangram.co.uk/TI-Polymer-PEEK.html">http://www.tangram.co.uk/TI-Polymer-PEEK.html</a> , 2001, 5 pages.
95	Web pages, <a href="http://www.brainlab.com">http://www.brainlab.com</a> , April 2, 2002; 5 pp.
96	"New Minimally Invasive Techniques, Improve Outcome of Spine Surgeries", Medtronic Sofamor Danek.
97	Kambin; "Percutaneous Posteriorlateral Discectomy"; Clinical Orthopaedics and Related Research, Section II; pp. 145-154.

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